

encompassing O or NR', is adequately described by the instant disclosure. Applicants respectively assert that a person of ordinary skill in the art would appreciate that NR' as recited in claim 134 could be used in place of O in the claimed invention.

Applicants further assert that the moiety L, encompassing any non-interfering substituent, branched or straight chain aliphatic group, a cyclic aliphatic group, a divalent aryl group or a polymeric group, as of the priority date of the instant application, is adequately described by the instant disclosure. Applicants assert that a person of skill in the art would recognize the moiety L as recited in claim 134 is supported by the instant disclosure at, for example, pg. 10 lines 1-17. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 134-154 stand rejected under U.S.C § 112 first paragraph. The Examiner contends that the specification "does not reasonably provide for enablement for Q being oxygen or NR', wherein R is H or alkyl, or for L being any non-interfering substituent, branched or straight chain aliphatic group of undetermined length, a cyclic aliphatic group, a divalent aryl group or a polymeric group. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims." Applicants respectfully traverse this rejection. Applicants assert that the disclosure contains sufficient information as to enable a person skilled in the chemical arts to make and use the claimed invention, without undue experimentation. Applicants assert that there is sufficient guidance, for example, in the examples of the instant disclosure, pages 38-45, to enable a person skilled in the art to make polymers where Q is O or NR', and/or L is a branched or straight chain aliphatic group, as claimed in the instant application. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 134-154 stand rejected under U.S.C § 112 second paragraph. The Examiner asserts all of the pending claims are "indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention." The Applicants respectfully traverse this rejection. Applicants assert that the pending claims are in accordance with M.P.E.P. 2172 I., which states: "the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention." Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

The Examiner indicates that claims 134 and 147 are not marked with formula I and II. Applicants respectfully assert that the formulas are clearly labeled with I and II above the appropriate structure in claims 134 and 147. If the Examiner desires that the formula be marked in some other way, the Applicants respectfully request that the Examiner instruct them on how to so label the formula.

The pending claims stand rejected under the judicially created doctrine of obviousness-type double patenting. Applicants respectfully traverse this rejection solely in order to expedite prosecution, however, Applicants submit two terminal disclaimers in accordance with 37 C.F.R. § 1.321(c). Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

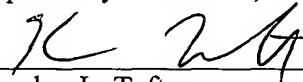
### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-832-1000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this application be charged to Deposit Account, No. 06-1448.

Date: December 2, 2002

**Customer No: 29755**  
Patent Group  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600

Respectfully Submitted,



---

Kingsley L. Taft  
Attorney for Applicants  
Reg. No. 43, 946